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International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Report of the Special Rapporteur for follow-up to concluding observations

1. The Human Rights Committee, in accordance with article 40 (4) of the International Covenant on Civil and Political Rights, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report of the Special Rapporteur for follow-up to concluding observations is prepared on the basis of that article.

2. The report sets out the information that was received by the Special Rapporteur for follow-up to concluding observations between the 112th and 113th sessions, and the Committee's analyses and the decisions that it adopted during its 113th session. All the available information concerning the follow-up procedure used by the Committee since its eighty-seventh session, held in July 2006, is outlined in the table below.

Assessment of replies	
Reply/action satisfactory	
A	Response largely satisfactory
Reply/action partially satisfactory	
B1	Substantive action taken, but additional information required
B2	Initial action taken, but additional information and measures required
Reply/action not satisfactory	
C1	Response received but actions taken do not implement the recommendation
C2	Response received but not relevant to the recommendation

* Adopted by the Committee at its 113th session (16 March–2 April 2015).

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Assessment of replies	
No cooperation with the Committee	
D1	No response received within the deadline, or no reply to a specific question in the report
D2	No response received after reminder(s)
The measures taken are contrary to the Committee's recommendations	
E	The response indicates that the measures taken are contrary to the Committee's recommendations

100th session (October 2010)

Jordan

Concluding observations:	**CCPR/C/JOR/CO/4**, 27 October 2010
Follow-up paragraphs:	5, 11 and 12
First reply:	19 August 2013
Committee's evaluation:	Additional information required on paragraphs 5**[C1]**, 11**[C2]** and 12**[B2]**

Paragraph 5: The State party should ensure that the selection of members and directors of the National Centre for Human Rights is transparent and that the Centre is provided with adequate human, financial and technical resources.

Summary of State party's reply:

The National Centre for Human Rights is supervised and managed by a board of trustees, consisting of not more than 21 members. The Government has no authority over the Centre.

The Government is making every endeavour to provide the Centre with annual financial support to enable it to fulfil its responsibilities. In 2013, it allocated 382,000 Jordanian dinars to the Centre.

Committee's evaluation:

[C1]: Additional information is required on: (a) the budget allocated to the Centre in the last three years; and (b) the number of staff currently working in the Centre and whether this is sufficient to carry out the Centre's functions.

Paragraph 11: The State party should end the practice of administrative detention currently in force, amend the Law on Crime Prevention so as to make it consistent with the Covenant and release or bring to justice immediately all persons who are detained under this law.

Summary of State party's reply:

Administrative detention orders are unlawful if they fall outside the scope of article 3 of the Crime Prevention Act No. 7 of 1954. The Crime Prevention Act has a preventive nature and is designed to protect public order by anticipating and forestalling contingencies.

Although the Crime Prevention Act applies before the commission of a crime, jurisdiction falls to the judiciary once the crime has been committed. Given the tribal structure of Jordanian society, it is applied limitedly in cases involving murder, honour, ignominy and fornication which provoke public outrage, since the distinctive features of its application

are confidentiality, the rapid settlement of cases and the lack of financial costs. Administrative detention is restricted to persons with a criminal record who pose a threat to others if they remain at large.

Committee's evaluation:

[C2]: The Committee regrets that the State party has not taken actions to end the practice of administrative detention and to amend the Law on Crime Prevention so as to make it consistent with the Covenant. The Committee reiterates its recommendations, and requests updated statistics on the application of administrative detention in the last 2 years.

Paragraph 12: The Committee reiterates its 1994 recommendation that the State party consider abolishing the State Security Court (CCPR/C/79/Add.35, para. 16).

Summary of State party's reply:

The State party referred to article 2 of the State Security Court Act No. 7 of 1959. The State Security Court consists of independent, highly qualified and experienced civilian and military judges. The litigation procedures applied before the State Security Court are the same as those of ordinary courts; its decisions are appealable to the Court of Cassation and it is competent to try civilians who have no military status or connection with military activities. The jurisdiction of the Court is limited to four crimes: treason, espionage, drugs-related offences, and counterfeiting of money.

Committee's evaluation:

[B2]: The Committee welcomes the recent amendment to the jurisdiction of the State Security Court which limited the jurisdiction of the Court to four crimes, but reiterates its recommendation. The Committee requests information on measures taken to abolish the State Security Court or to enhance its organizational and functional independence.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be provided in the State party's next periodic report, which was due on 27 October 2014.

Next periodic report: 27 October 2014

101st session (March and April 2011)

Serbia

Concluding observations:	**CCPR/C/SRB/CO/2**, 29 March 2011
Follow-up paragraphs:	12, 17 and 22
First reply:	25 July 2012
Committee's evaluation:	Additional information required on paragraphs 12**[B2][D1]**, 17**[B2]** and 22**[B2]**
Second reply	5 September 2014
Committee's evaluation:	Additional information required on paragraphs 12**[B2]**, 17**[B1]** and 22**[B1]**

Paragraph 12: The State party should urgently take action to establish the exact circumstances that led to the burial of hundreds of people in Batajnica region, and to ensure that all individuals responsible are prosecuted and adequately sanctioned under the criminal law. The State party should also ensure that relatives of the victims are provided with adequate compensation.

Follow-up question:

[B2] Additional information remains necessary on the measures taken (a) to expedite the investigations; and (b) to encourage witnesses to testify in court; and on the reasons for Belgrade Appellate Court's ruling quashing the verdict against Radojko Repanovic.

[D1] No information has been provided on the compensation awarded to the relatives of the victims.

Summary of State party's reply:

Efficiency in conducting investigations has improved since the new Criminal Procedural Code was implemented in January 2012, which gave the Prosecutor's Office greater control over preliminary investigations.

The Criminal Procedure Code prescribes court and extrajudicial support and protection for witnesses and injured parties. Additional services are provided for by special laws to parties in war crimes proceedings.

The former commander of Suva Reka Municipal Police Department, Radojko Repanovic, was convicted on retrial to 20 years' imprisonment.

Committee's evaluation:

[B2]: The Committee welcomes measures taken to expedite criminal investigations into war crimes against the civilian population in Batajnica but regrets that insufficient information was provided on the outcome of the investigations into the killing of more than 800 persons found in mass graves in and near Batajnica and that no information was provided on the compensation awarded to the victims' relatives. It requests additional information on:

(a) Progress on the investigations into the crimes that occurred in Barajnica;

(b) The sanctions applied to perpetrators, other than Radojko Repanovic;

(c) The compensation awarded to the victims' relatives.

Paragraph 17: The State party should ensure strict observance of the independence of the judiciary. It should also ensure that judges who were not re-elected in the 2009 process are given access to a full legal review of the process. The State party should also consider undertaking comprehensive legal and other reforms to make the functioning of its courts and general administration of justice more efficient.

Follow-up question:

[B2] Additional action is required to enhance the independence of the judiciary, including with regard to the wide power retained by the High Judicial Court over the appointment of judges. Regarding the procedures to facilitate speedy trials, additional information is necessary on the guarantees in place to protect access to justice for all parties to a case.

Summary of State party's reply:

The National Judicial Reform Strategy for the period 2013–2018, which is based on five key principles, including independence and efficiency, was adopted in 2013.

Amendments to the Organization of Courts Act allow parties the possibility of filing a suit for damages for violation of their right to a trial within a reasonable time period.

Committee's evaluation:

[B1]: The Committee welcomes the adoption of the National Judicial Reform Strategy for the period 2013–2018 and its action plan. The Committee requires additional information on the impact of the measures taken to ensure strict observance of the independence of the judiciary. The Committee takes note of the amendments to the Organization of Courts Act and requires information on the date of adoption of such amendments and their impacts.

Paragraph 22: The State party should strengthen its efforts to eradicate stereotypes and widespread abuse against Roma by, among others, conducting more awareness-raising campaigns to promote tolerance and respect for diversity. The State party should also adopt measures to promote access by Roma to various opportunities and services at all levels, including, if necessary, through appropriate temporary special measures.

Follow-up question:

[B2] Additional actions remain necessary (a) to improve access by Roma to employment and housing; (b) to eradicate negative stereotypes about the Roma population; and (c) to ensure the integration of Roma children into mainstream education.

Summary of State party's reply:

The 2013–2015 action plan includes measures to operationalize the Strategy for the Improvement of the Position of Roma in the Republic of Serbia, which had been adopted in 2009.

The Strategy for Prevention of and Protection against Discrimination, adopted in 2013, identifies Roma as a special, vulnerable group. In May 2013, the Council for the Improvement of the Position of Roma and the Implementation of the Decade of Roma Inclusion was formed.

(a) Employment: The Employment Strategy for 2011–2020, adopted in May 2011, is the framework for national employment policy. The strategy defines and promotes the employability of categories of persons who are more difficult to employ.

(b) Housing: The National Social Housing Strategy, adopted in 2012, defined special measures to improve substandard settlements, the majority of which are informal Roma settlements.

Under the Social Housing Act, Roma have priority in having their housing problems resolved.

Since 2009, the City of Belgrade has relocated several unhygienic settlements and has provided temporary and permanent housing to 303 Roma families. In 2014, it plans to relocate 50 families from the unhygienic Belville-Route settlement to social housing apartments.

(c) Legislative and procedural measures have been taken to resolve the problem of persons without legal identity, including amendments to judicial and administrative procedures that are aimed at improving the ease and accessibility of the birth registration process.

(d) Education: The Foundations of the Education System Act has created opportunities for inclusive education, including the hiring of teaching assistants and the cancellation of categorizations.

A 2012 Instrument for Pre-Accession Assistance project activity is being implemented to form local mobile teams of teaching assistants. The latest Multiple Indicator Cluster Survey showed a 10 per cent annual increase in the enrolment of Roma children.

The project is in its third phase and is due to last until 2017; it is aimed at improving the accessibility of preschool education for Roma children and children from other vulnerable

groups.

A 2013 Instrument for Pre-Accession Assistance project on social inclusion and reducing the poverty of socially vulnerable groups is being drafted.

Committee's evaluation:

[B1]: The Committee welcomes measures taken to improve access by Roma to employment, education and housing, and to eradicate negative stereotypes of Roma. It requires further information, including statistical data, on:

(a) The impact of the National Employment Strategy for 2011–2020, adopted in May 2011;

(b) The impact of the National Social Housing Strategy, adopted in 2012;

(c) The Roma families relocated to the temporary housing, and whether those families have been already relocated to permanent housing;

(d) The impact of the 2012 Instrument for Pre-Accession Assistance project, including the implementation of the third phase of the project, which was aimed at improving the accessibility of preschool education and at the inclusion of children from vulnerable groups, particularly Roma children.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be provided in the State party's next periodic report, which was due on 1 April 2015.

Next periodic report: 1 April 2015

104th session (March 2012)

Yemen

Concluding observations:	**CCPR/C/YEM/CO/5**, 28 March 2012
Follow-up paragraphs:	7, 10, 15 and 21
First reply:	Received 9 September 2013
Committee's evaluation:	Additional information required on paragraphs 7**[B2]**, 10**[E]**, 15**[B2]** and 21**[B2][D1][D1]**
NGO information:	Alkarama

Paragraph 7: The State party should establish a national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Committee encourages the State party to benefit from the assistance of the Office of the High Commissioner for Human Rights in establishing such a mechanism.

Summary of State party's reply:

In response to the April 2012 Council of Ministers Order No. 35, the Ministry of Human Rights drafted a bill establishing an independent national human rights institution.

Report from NGO (Alkarama Foundation):

A ministerial committee has been established to lead the work on presenting to Parliament a draft law defining the Yemeni national human rights institution.

Committee's evaluation:

[B2]: While the Committee welcomes the initial legislative measures taken by the State party to develop an independent national human rights institution, the adoption is yet to be finalized. The Committee reiterates its recommendations and requests further information from the State party regarding the status and implementation of the bill.

Paragraph 10: In line with its previous concluding observations (CCPR/CO/84/YEM, para. 9; CCPR/CO/75/YEM, paras. 7–11), the Committee urges the State party to ensure equality between men and women in the enjoyment of all the rights enshrined in the Covenant, which necessitates abolishing all discriminatory provisions in matters of marriage, divorce, testimony and inheritance. In this regard, the State party should inter alia (a) set a minimum age for marriage that complies with international standards; (b) abolish article 23 of the Personal Status law; (c) eradicate the use of temporary marriage for the sexual exploitation of children, and (d) ensure that honour crimes are punished in accordance with their gravity. The State party should engage in official and systematic awareness-raising campaigns in order to eradicate polygamy, which is a form of discrimination against women.

Summary of State party's reply:

The State party referenced Council of Ministers Decision No. 137 of 2012, which approves executive action to implement recommendations by the Committee that are not inconsistent with Islamic law, and informed the Committee that it did not consider the provisions relating to marriage, divorce, testimony and inheritance to be discriminatory under Islamic law.

Committee's evaluation:

[E]: The Committee notes Council of Ministers Decision No. 137 of 2012, which is interpreted by the State party as an affirmation of the existing laws. The Committee regrets that the decision and the refusal to change the law to ensure equality between men and women, as requested by the Committee, results in a situation that is contrary to the Committee's recommendations and conflicts with the State party's obligations under the Covenant. The Committee reiterates its recommendations.

Paragraph 15: The State party should launch a transparent and independent investigation, in accordance with international standards, into all allegations of involvement of members of its law enforcement and security forces in the killings of civilians, excessive use of force, arbitrary detention, including enforced disappearance, torture and ill-treatment, whether this is related to the 2011 unrest, or to the unrest in the south, the conflict in the north and the fight against Al-Qaida's presence in the territory of the State party. Furthermore, the State party should initiate criminal proceedings against the alleged perpetrators of such acts, sentence those responsible and afford victims reparation, including adequate compensation.

Summary of State party's reply:

In September 2012, Presidential Decree No. 140 approved the establishment of an independent commission of inquiry. The nomination of members and the commencement of work are expected.

In July 2013, a presidential decree directed the Government to implement 20 items adopted by the National Dialogue Technical Committee and 11 items adopted by the South issue team; these included items related to the release of detainees and to determining the fate of victims of enforced disappearance and compensation in respect of them.

The Council of Ministers approved a draft decision and completed the legal procedures necessary for ratification of and accession to the International Convention for the Protection of All Persons from Enforced Disappearance. Moreover, the Council of Ministers issued Decision No. 48 of 2013, approving the establishment of a committee to draft a bill on missing persons and victims of enforced disappearance.

Report from NGO (Alkarama Foundation):

Reports of extrajudicial killings by both the Yemeni and United States Governments continue.

Arbitrary detention remains a widespread phenomenon.

Committee's evaluation:

[B2] While initial legislative measures have been taken by the State party to establish a commission of inquiry to investigate human rights abuses committed in 2011 and to implement requests for the release of certain currently detained persons, the Committee notes that the presidential decrees remain to be implemented in practice. Furthermore, no substantive information has been provided on measures to ensure that:

(a) Along with allegations of crimes relating to the 2011 unrest, those related to the unrest in the south, the conflict in the north and the fight against Al-Qaida's presence in the territory of the State party will be investigated;

(b) Investigations launched will be transparent and independent;

(c) Criminal proceedings against alleged perpetrators, particularly members of the law enforcement and security forces, will be initiated, and those convicted will be sentenced appropriately;

(d) Victims will be afforded reparation and adequate compensation.

Additional information on the implementation and impact of the State party's legislative measures, as well as information regarding items (a)–(d) outlined above, is required.

Paragraph 21: The State party should take concrete measures to ensure the adequacy of the refugee determination process and asylum procedures for migrants of all nationalities. Asylum seekers and refugees should not be held in penal conditions.

Summary of State party's reply:

The State party continues to fall short in the face of the large influx of refugees and the economic, social and security burden that it imposes on the country.

In May 2012, the Office of the United Nations High Commissioner for Refugees (UNHCR) signed a memorandum of understanding with the Ministry of Human Rights, allocating US$ 50,000 to cover joint programmes and activities being implemented until the end of 2012 that were aimed at addressing the situation of refugees and displaced persons.

In December 2012, the Ministry of Human Rights held a workshop on the impact of refugee flows to Yemen. The workshop concluded with recommendations which the Ministry is acting to implement and to integrate into government plans and policies.

Committee's evaluation

[B2] Further information should be provided on the implementation of the State party's partnership with UNHCR as well as on any consideration of its continuance into 2013 and beyond.

[D1] The Committee notes that no information has been received regarding concrete measures taken to ensure the adequacy of the refugee determination process and asylum procedures for migrants of all nationalities.

[D1] Concerning immigrants unlawfully held in detention centres, the Committee regrets that no information was provided on measures taken to ensure that asylum seekers and refugees are not held in penal conditions.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be provided in the State party's next periodic report, which was due in April 2015.

Next periodic report: April 2015

105th session (July 2012)

Lithuania

Concluding observations:	**CCPR/C/LTU/CO/3**, 24 July 2012
Follow-up paragraphs:	8, 9 and 12
First reply:	Received 31 July 2013
Committee's evaluation:	Additional information required on paragraphs 8**[B2]**, 9**[C2]** and 12**[C1][B2]**
Second reply:	Received 24 July 2014
Committee's evaluation:	Additional information required on paragraphs 8(a)**[C2]**, 9**[B2]** and 12**[B1][B2]**

Paragraph 8: The State party should take all necessary measures to ensure that its legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their sexual orientation or gender identity. The State party should implement broad awareness-raising campaigns, as well as trainings for law enforcement officials, to counter negative sentiments against LGBT individuals. It should consider adopting a targeted national action plan on the issue. The Committee, finally, recalls the obligation of the State party to guarantee all human rights of such individuals, including the right to freedom of expression and the right to freedom of assembly.

Follow-up question:

[B2]: While the Committee welcomes the adoption of the Inter-Institutional Action Plan for the Promotion of Non-Discrimination 2012–2014, it requires further information on:

(a) Specific measures taken to ensure that national legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their sexual orientation or gender identity;

(b) Specific trainings carried out to counter negative sentiments against LGBT individuals, and their frequency;

(c) Awareness-raising campaigns on LGBT issues.

Please also provide further information on measures that have been taken, under the "Progress" programme, to address the Committee's recommendation.

Summary of State party's reply:

(a) Government legislation and institutions ensure equal opportunities, equality, and protection of the rights of all persons, including LGBT individuals. To ensure compliance with the principle of non-discrimination, all legal acts related to human rights must comply with all laws in force, including the Constitution and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(b) Since 2010, more than 50 seminars, trainings, workshops and programmes have been carried out to promote tolerance and decrease manifestations of all forms of discrimination, including against LGBT persons.

(c) The Inter-Institutional Action Plan for the Promotion of Non-Discrimination 2012–2014 and the "Progress" programme have deployed awareness-raising campaigns on LGBT issues.

According to data collected during the "Progress" project, the number of persons agreeing with homophobic statements has decreased slightly since 2007.

Committee's evaluation:

(a)[C2]: The State party has not provided concrete information on any specific measures taken to ensure that national legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their sexual orientation or gender identity. The Committee reiterates its request and requires examples of the application of national legislation in cases of discrimination based on sexual orientation or gender identity.

(b) and (c) [A]: Concerning the awareness-raising campaigns and the trainings for law enforcement officials, to counter negative sentiments against LGBT individuals, the Committee considers the State party's response largely satisfactory.

Paragraph 9: The State party should ensure an effective investigation into allegations of its complicity in human rights violations as a result of counter-terrorism measures. The Committee urges the State party to continue the investigations on the matter and to bring perpetrators to justice.

Follow-up question

[C2]: The State party repeated its previous reply and provided no information on measures taken to implement the Committee's recommendations. The Committee therefore reiterates them.

Summary of State party's reply:

The Prosecutor General's Office is conducting an investigation regarding the involvement of Lithuanian officials and State authorities in the rendition, secret detention, torture and inhuman and degrading treatment of Mustafa Ahmed al-Hawasawi, a citizen of Saudi Arabia, who is currently being kept in detention by United States authorities.

Committee's evaluation:

[B2]: While the Committee welcomes the ongoing investigations into the involvement of Lithuanian officials and State authorities in the rendition, secret detention, torture and inhuman and degrading treatment of Mustafa Ahmed al-Hawasawi, it requires updated information on the findings of such investigation and, if appropriate, sanctions for those responsible. It also requires information on additional investigations that have been conducted into allegations of the State's complicity in human rights violations as a result of counter-terrorism measures.

Paragraph 12: The Committee reiterates its earlier recommendation (CCPR/CO/80/LTU, para. 13) that the State party eliminate the institution of detention for administrative offences from its system of law enforcement. The State party should also take appropriate measures to implement alternatives to imprisonment as sentence, including probation, mediation, community service and suspended sentences.

Follow-up question:

(a)[C1]: Regarding administrative detention, the recommendation has not yet been implemented. The Committee reiterates it.

(b)[B2]: Regarding alternative measures to imprisonment, the Committee welcomes the recent increase in the number of persons released on parole, but requires additional information on:

(i) The number of persons convicted for administrative offences who have been released on parole in the last three years;

(ii) Measures in place to guarantee the use of alternatives to imprisonment;

(iii) The criteria for eligibility for the various alternatives to imprisonment.

Summary of State party's reply:

(a) A draft law to remove administrative detention from the list of administrative penalties was submitted to Parliament and is scheduled to be adopted in 2014.

(b) (i) Considering that the maximum time of administrative detention is only 30 days, persons convicted of administrative offences cannot be released on parole.

(ii) The Criminal Code provides alternatives to imprisonment, particularly for persons convicted of a misdemeanour and first-time offenders convicted of minor or less serious premeditated crimes.

The criteria for release on parole entail, inter alia, a detailed assessment of the risk of criminal activity and the convict's behaviour while serving the custodial sentence.

Committee's evaluation:

(a)[B1]: Regarding administrative detention, the recommendation has not yet been implemented. The Committee requires updated information on the Code of Administrative Offences draft law.

(b)[B2]: The Committee welcomes the information provided by the State party on measures in place regarding the criteria for eligibility for release on parole, but requires information on measures to implement alternatives to imprisonment, such as community service, mediation and suspended sentences.

Recommended action:

A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 27 July 2017

106th session (October and November 2012)

Germany

Concluding observations:	**CCPR/C/DEU/CO/6**, 31 October 2012
Follow-up paragraphs:	11, 14 and 15
First reply:	Received 21 October 2013
Committee's evaluation:	Additional information required on paragraphs 11**[B1]** and 15**[B2]**
Second reply:	Received 30 July 2014

Committee's evaluation: Additional information required on paragraph 15**[B2]**

Paragraph 11: The State party should revise its Asylum Procedure Act to allow suspensive orders in case of transfers of asylum seekers to any State bound by the Dublin II Regulation. The State party should also inform the Committee whether it will extend the suspension of transfers of asylum seekers to Greece beyond January 2013.

Follow-up question:

[B1]: Regarding the suspension of transfers of asylum seekers to Greece, while the Committee welcomes the decision of the Interior Ministry to extend the suspension until January 2014, it requests additional information about whether the State party will extend the suspension beyond January 2014, and if it will not, on what basis the suspension might be lifted.

Summary of State party's reply:

The decision to suspend transfers to Greece pursuant to the Dublin II Regulation has been extended for an additional year and is now in effect until 12 January 2015.

Committee's evaluation:

[A]: The Committee welcomes the decision to extend the suspension of transfers of asylum seekers to Greece until January 2015. The Committee reiterates its recommendation and request to the State party to extend the suspension of transfers of asylum seekers to Greece if difficult reception conditions remain.

Paragraph 15: The State party should take effective measures to ensure full implementation of legal provisions related to the use, in compliance with the Covenant, of physical restraint measures in residential homes, including by improving training of staff, regular monitoring, investigations and appropriate sanctions for those responsible.

Follow-up question:

[B2]: The Committee takes note of the violations discovered by the Medical Service of the Health Insurance Funds (MDK) in Saxony, but requires additional information on investigations and appropriate sanctions for those responsible for violating legal provisions related to the use of physical restraint measures in residential homes.

Summary of State party's reply:

MDK found no case in which violations in care had occurred that had required the involvement of additional supervisory authorities.

In addition, MDK evaluators had no impression that the rights of persons requiring care had been restricted against their will or by the use of force. Had they found otherwise, MDK would have immediately informed the competent authorities to determine whether civil and/or criminal legal action should be taken.

MDK reported that care facilities were often uncertain about the legitimacy of measures involving deprivation of liberty, owing to varying judicial interpretations on the topic.

Committee's evaluation:

[B2]: The Committee takes note of the additional information provided by the State party but regrets that it has not provided information on investigations and appropriate sanctions for those responsible for violating legal provisions related to the use of physical restraint measures in residential homes. The Committee requires additional information on:

(a) Measures taken, including trainings, to ensure that all staff working in care facilities and residential homes are aware of the legal provisions related to the use of physical

restraint measures in residential homes and care facilities;

(b) Investigations and appropriate sanctions for those responsible for violating legal provisions related to the use of physical restraint measures in residential homes.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 31 October 2018

108th session (July 2013)

Czech Republic

Concluding observations:	**CCPR/C/CZE/CO/3**, 24 July 2013
Follow-up paragraphs:	5, 8, 11 and 13(a)
First reply:	Received 3 November 2014
Committee's evaluation:	Additional information required on paragraphs **5[B2]**, **8[A][B2][A][B2]**, **11[B2][C1][B2][C1]** and 13(a)**[A]**

Paragraph 5: The State party should either provide the Public Defender of Rights with a consolidated mandate to more fully promote and protect all human rights, or achieve that aim by other means, with a view to establishing a national human rights institution with a broad human rights mandate and providing it with adequate financial and human resources, in line with the Paris Principles (General Assembly resolution 48/134, annex).

Summary of State party's reply:

The State party declares that the Public Defender of Rights already fulfils the vast majority of the Paris Principles.

The State party is preparing an amendment to the Act on the Public Defender of Rights to further broaden the Defender's competence in the field of human rights.

Committee's evaluation:

[B2]: Additional information should be provided regarding the status of the implementation of the amendment to the Law on the Public Defender of Rights and if the amendment is in line with the Paris Principles. The Committee also requires further information on the financial and human resources situation of the Public Defender of Rights.

Paragraph 8: The State party should redouble its efforts to combat all forms of intolerance against the Roma, by, inter alia:

(a) Establishing clear benchmarks and allocating sufficient resources to awareness-raising campaigns against racism to promote respect for human rights and tolerance for diversity, in schools among the youth, but also throughout the media and in the political arena;

(b) Actively engaging in nurturing respect for the Roma culture and history through symbolic acts, such as removing the pig farm located on a World War II Roma concentration camp in Lety;

(c) Increasing its efforts to ensure that judges, prosecutors and police officials are trained to be able to detect hate and racially motivated crimes;

(d) Taking all necessary steps to prevent racist attacks and to ensure that their alleged perpetrators are thoroughly investigated and prosecuted and, if convicted,

punished with appropriate sanctions, and that the victims are adequately compensated.

Summary of State party's reply:

Preparation of the Campaign against Racism and Hate Crimes 2014–2016 began in 2014, as part of a three-year project funded by the European Economic Area and Norway. The campaign is aimed at improving policies on, and increasing awareness of, hate crimes and ethnic violence, and at increasing tolerance, in Czech society, towards minorities and foreigners.

In March 2014, the Ministry of the Interior prepared the "Methodology for media communication to reduce security risks in socially excluded localities", which includes recommendations that police officers utilize media communications to monitor and refute false information and myths about minority groups.

A comprehensive strategy for Roma integration for 2014–2020 is being prepared to help promote the Roma as a distinct ethnic minority via the teaching and preservation of — and research into — the Roma language and culture. Steps will be taken to address the situation on the pig farm in Lety u Písku and the possible termination of its operation.

The Judicial Academy, the Police of the Czech Republic and the Police Academy provide courses, training and seminars to judges, prosecutors, judicial staff, the police and other specialists on issues of extremism, racism and xenophobia in the criminal justice system.

Procedural and organizational measures, including the Collection of Selected Procedures for the Investigation of Crimes with Extremist Subtext, and the Extraordinary Measure of the Chief of Police on Extremism, 2014, have been or are being adopted to help police combat and detect extremist-related crimes.

The Czech Criminal Code allows for harsh and effective prosecution of racially motivated crimes. In August 2013, Act No. 45/2013 (the Act on Crime Victims) came into effect. It provides legal protection for crime victims, including victims of racist and extremist crimes.

Committee's evaluation:

[A]: Regarding subparagraph (a), the State party should provide additional information in its next periodic report on the impact of the Campaign against Racism and Hate Crimes and the project funded by the European Economic Area and Norway, set to take place from 2014 to 2016.

[B2]: Regarding subparagraph (b), the State party should submit information on the progress of the strategy for Roma integration in nurturing respect for Roma history and culture, and on the steps taken to ensure the removal of the pig farm at Lety u Písku. The Committee reiterates its recommendations.

[A]: Regarding subparagraph (c), the Committee welcomes the legislative and institutional steps taken by the State party to train judges, prosecutors, and police officials to detect hate and racially motivated crimes. The State party should provide further information regarding trainings carried out and its frequency.

[B2]: Regarding subparagraph (d), the Committee takes note of the training on extremism and of the measures taken to detect extremist-related crimes, and of Act No. 45/2013 (the Act on Crime Victims) which entered into force in 2013, but requires updated statistics on investigations, prosecutions and sanctions imposed on perpetrators. It also requires additional information on the prevention of racist attacks and information on how victims of hate and racist-related crimes are adequately compensated. The Committee reiterates its recommendations regarding post-conviction sentencing and compensation for victims.

Paragraph 11: The State party should:

(a) Consider establishing a compensation mechanism for victims who were forcibly sterilized in the past and whose claims have lapsed;

(b) Ensure free legal assistance and advice to victims who were forcibly sterilized, so that they may consider lodging claims before the courts;

(c) Initiate criminal proceedings against possible perpetrators of coercive sterilization;

(d) Monitor the implementation of the Law on Specific Health Care Services to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization at health facilities.

Summary of State party's reply:

The State party asserted that the use of the terms "forced" and "forcibly" in the Committee's concluding observations was not justified.

A special law that establishes a redress mechanism offering ex gratia compensation to victims of illegal sterilization should be presented by the end of 2015 and will render it unnecessary for victims to file claims in civil courts.

Free legal assistance is provided by the court in individual cases. A new legal aid system is being prepared to allow access to legal assistance during judicial and administrative proceedings, and to pretrial legal assistance so that parties can resolve their problems out of court.

Fifty-eight criminal cases were initiated against persons suspected of having carried out illegal sterilizations, but in the majority of cases it was found that no crime had been committed. In four cases, the statute of limitations prevented legal action. Irrespective of unsuccessful criminal proceedings, women affected may still file civil actions for compensation.

Under the Act on Specific Health Services, sterilization for health reasons and for reasons other than health requires written consent for patients over 18 and 21, respectively. Sterilizations of minors and patients with limited legal capacity may only be performed for health reasons and require the written consent of the patient's legal representative, the positive opinion of an independent expert commission, and court approval. All completed investigations regarding sterilization have found no violations by health-care providers.

Committee's evaluation:

[B2]: Regarding subparagraph (a), the Committee requires information on the progress of the special law on compensation for victims of illegal sterilization.

[C1]: Regarding subparagraph (b), it appears that no measure has been taken to ensure free legal assistance and advice to victims who were forcibly sterilized. The Committee requires information on the new comprehensive system of legal aid.

[B2]: Regarding subparagraph (c), the Committee expresses concern at the lack of convictions resulting from the 58 criminal cases initiated against persons suspected of having carried out illegal sterilizations. The Committee requires updated statistics on the number of criminal cases initiated against persons suspected of having carried out illegal sterilizations and the number of convictions since August 2013. The Committee reiterates its recommendation.

[C1]: Regarding subparagraph (d), the Committee requires information on concrete measures taken to ensure that procedures are followed in obtaining the full and informed consent of women. The Committee also requires information on the monitoring of sterilizations carried out, and the frequency of the monitoring.

Paragraph 13(a): The State party should:

(a) Review its policy of limiting the legal capacity of persons with mental disabilities and establish the necessity and proportionality of any measure on an individual basis, with effective procedural safeguards, ensuring in any event that all persons who have their legal capacity restricted will have prompt access to an effective judicial review of the decisions and free and effective legal representation in all proceedings regarding their legal capacity.

Summary of State party's reply:

In January 2014, a new Civil Code regulating the legal capacity of persons with disabilities came into effect, under which no person may be fully deprived of legal capacity and any limitation imposed must be decided upon by a court on a case-by-case basis. The court is obliged to take into account the rights, personality and interests of the person and the extent and degree of his or her disability; limitations may only be applied if the person poses a serious risk of harm to himself or herself and milder limiting measures will not suffice.

A person under review must be informed of his or her procedural rights. If a court decides to apply limitations, it must appoint a guardian, and in the case of a conflict of interest, a guardian ad litem, to protect his or her rights and interests.

Committee's evaluation:

[A]: Regarding subparagraph (a), the Committee notes that the State party has implemented a new Civil Code regulating the legal capacity of persons with disabilities. The State party should provide further information regarding the implementation of those provisions in its next periodic report.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 26 July 2018

Finland

Concluding observations:	**CCPR/C/FIN/CO/6**, 24 July 2013
Follow-up paragraphs:	10, 11 and 16
First reply:	Received 23 June 2014
Committee's evaluation:	Additional information required on paragraphs 10**[B2]**[**C2**], 11**[C1]**[**C1**] and 16**[B2]**[**B2**]

Paragraph 10: The State party should use alternatives to detaining asylum seekers and irregular migrants whenever possible. The State party should also guarantee that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate in the light of the specific circumstances, and subjected to periodic evaluation and judicial review, in accordance with the requirements of article 9 of the Covenant. The State party should strengthen its efforts to improve living conditions in the Metsälä detention centre.

Summary of State party's reply:

In 2011, the Ministry of the Interior set up a project to revise the legislation on the detention of aliens. The budget for 2014 contains additional funds for expanding detention capacity.

Conditions in the Metsälä Detention Unit comply with the relevant requirements.

Committee's evaluation:

[B2]: Concerning the project to revise the legislation on the detention of aliens, additional information is required on the steps taken since the adoption of the Committee's concluding observations on 24 July 2013, particularly on:

(a) Progress on the adoption of such legislation, including information on when the new law is expected to be adopted;

(b) Alternatives to detention provided for in the legislation, including for adults;

(c) Guarantees to ensure that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate, including for detention of adults.

[C2]: Concerning the living conditions in the Metsälä detention centre, additional information is requested on the number of irregular migrants and asylum seekers detained in the last three years, on the length of their detention, and on the capacity of the detention centre.

Paragraph 11: The State party should provide the Committee with the required information and, in any event, ensure that persons arrested on criminal charges are brought before a judge within 48 hours of initial apprehension, and transferred from the police detention centre in the event of a continuation of detention. The State party should also ensure that all suspects are guaranteed the right to a lawyer from the moment of apprehension, irrespective of the nature of their alleged crime.

Summary of State party's reply:

Under chapter 3, section 4, of the Coercive Measures Act, a request for the remand of a person under arrest must be made to the court without delay and at the latest before noon on the third day from the day of apprehension.

Reform of the Coercive Measures Act took effect in January 2014. While the four-day time limit was considered to accord with the interpretation of the European Court of Human Rights, the State party noted that the Committee may have a different interpretation.

Chapter 4, section 10, of the Criminal Investigations Act, stipulates that a suspected criminal offender has the right to retain the counsel of his or her own choice.

Committee's evaluation:

[C1]: The Committee regrets that the reform of the Coercive Measures Act, which took effect on 1 January 2014, has not implemented the Committee's recommendation to ensure that persons arrested on criminal charges are brought before a judge within 48 hours of initial apprehension. The Committee reiterates its recommendation.

[C1]: Concerning the right to legal assistance, information is required on practical measures taken to ensure that all suspects are guaranteed the right to a lawyer from the moment of apprehension.

Paragraph 16: The State party should advance the implementation of the rights of the Sami by strengthening the decision-making powers of Sami representative institutions, such as the Sami parliament. The State party should increase its efforts to revise its legislation to fully guarantee the rights of the Sami people in their traditional land, ensuring respect for the right of Sami communities to engage in free, prior and informed participation in policy and development processes that affect them. The State party should also take appropriate measures to facilitate, to the extent possible, education in their own language for all Sami children in the territory of the State party.

Summary of State party's reply:

A working group of the Ministry of Justice has proposed a revision of the Act on the Sami Parliament (974/1995) to improve and safeguard the constitutional cultural autonomy of the Sami and the functioning of the Sami Parliament. The Government will submit a related legislative proposal to the national Parliament by autumn 2014.

In July 2013, the Ministry of Agriculture and Forestry set up a project concerning the reorganization of Metsähallitus, which included a working group to draft a proposal for increasing the participation rights of Sami in decision-making regarding the use of State-owned lands and waters in the Sami Homeland.

Finland promotes the right of the Sami to be taught in their own language. The Government is expected to make a decision in June 2014 on a nationwide action plan to revive the Sami language.

Committee's evaluation:

[B2]: The Committee takes note of the proposed revision of the Act on the Sami Parliament (974/1995), and of the legislative project concerning the reorganization of Metsähallitus, but requests additional information on:

(a) Progress on the adoption of the two legislative proposals;

(b) How the State party ensures that Sami people participate in the discussion on the revision of the Act on the Sami Parliament and the legislative project concerning the reorganization of Metsähallitus.

[B2]: Regarding the measures taken to facilitate education in their own language for all Sami children in the territory of the State party, additional information is required on the nationwide action plan to revive the Sami language and its impact on education in the Sami language.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 26 July 2019

Indonesia

Concluding observations:	**CCPR/C/IDN/CO/1**, 24 July 2013
Follow-up paragraphs:	8, 10, 12 and 25
First reply:	Received 3 March 2015
Committee's evaluation:	Additional information required on paragraphs **8[B2][C1][C1], 10[E],** 12**[B1]** and 25**[C1]**
NGO information	Kontras

Paragraph 8: The State party should, as a matter of urgency, address the impasse between Komnas HAM and the Attorney General. It should expedite the establishment of a court to investigate cases of enforced disappearance committed between 1997 and 1998 as recommended by Komnas HAM and the Indonesian Parliament. Furthermore, the State party should effectively prosecute cases involving past human rights violations, such as the murder of prominent human rights defender Munir Said Thalib on 7 September 2004, and provide adequate redress to victims or members of their families.

NGO information:

Few steps have been taken to reinvestigate the murder of Munir Said Thalib and ensure that all perpetrators have been brought to justice. The October 2013 decision of the Supreme Court to reduce the sentence of Pollycarpus from 20 to 14 years, in contrast to its earlier decision, in January 2008, increasing the 14-year sentence handed down by the Central Jakarta District Court to 20 years, has sparked allegations of an unfair trial, as it was a final review that overruled a final review.

Summary of State party's reply:

Komnas HAM and the Attorney General's Office have agreed to convene a series of meetings in order to resolve issues regarding the evidentiary threshold required to initiate investigations.

The State party is finalizing the revision of Law No. 27 of 2004 on the Truth and Reconciliation Commission, which had been annulled by the Constitutional Court.

The State party has enacted Law No. 31 of 2014 on the Amendment of Law No. 13 of 2006 on Protection of Witnesses and Victims.

A bill to ratify the International Convention for the Protection of All Persons from Enforced Disappearance was submitted to Parliament at the end of 2013; parliamentary discussion is expected soon.

Committee's evaluation:

[B2]: Regarding the impasse between Komnas HAM and the Attorney General, the Committee requests updated information on the meetings convened to resolve disagreements regarding the evidentiary threshold required to initiate investigations.

[C1]: While the Committee welcomes the revision of Law No. 27 of 2004 on the Truth and Reconciliation Commission, no information was provided on measures taken to establish a court to investigate cases of enforced disappearance committed between 1997 and 1998. The Committee reiterates its recommendation.

[C1]: The Committee welcomes the enactment of Law No. 31 of 2014 on the Amendment of Law No. 13 of 2006, which provides for medical assistance and psychosocial and psychological rehabilitation assistance for victims of human rights violations. The Committee requests further information on the implementation of Law No. 31, as well information on measures taken to prosecute cases of past human rights violations, including the murder of prominent human rights defender Munir Said Thalib on 7 September 2004.

Paragraph 10: The State party should reinstate the de facto moratorium on the death penalty and should consider abolishing the death penalty by ratifying the Second Optional Protocol to the Covenant. Furthermore, it should ensure that, if the death penalty is maintained, it is only for the most serious crimes. In this regard, the Committee recommends that the State party review its legislation to ensure that crimes involving narcotics are not amenable to the death penalty. In this context, the State party should consider commuting all sentences of death imposed on persons convicted for drug crimes.

Summary of State party's reply:

The State party reiterated its position that, due to the severe impact and the challenges posed by drug-related crimes to the nation's survival and its young generation, it considered drug-related crimes as one of the most serious crimes, for which the death penalty may apply in certain cases. There is continued and ongoing debate on the issue of the death penalty, and the current Parliament has prioritized the revision of the National Penal Code in its legislative programme.

Committee's evaluation:

[E]: The Committee notes with concern the recent executions of prisoners convicted for drug-related crimes and regrets that the State party has not reviewed its legislation to ensure that crimes involving narcotics are not amenable to the death penalty.

Paragraph 12: The State party should repeal Ministry of Health Regulation No. 1636 of 2010, which authorizes the performance of FGM by medical practitioners (medicalization of FGM). In this connection, the State party should enact a law that prohibits any form of FGM and ensure that it provides adequate penalties that reflect the gravity of this offence. Furthermore, the State party should make efforts to prevent and eradicate harmful traditional practices, including FGM, by strengthening its awareness-raising and education programmes. In this regard, the national-level team established to develop a common perception on the issue of FGM should ensure that communities where the practice is widespread are targeted in order to bring a change in mindset.

Summary of State party's reply:

The State party revoked Regulation No. 1636 of 2010 on female genital mutilation (FGM) through Ministry of Health Regulation No. 6 of 2014; the new regulation firmly prohibits the practice of FGM.

Medical officers are a major target for dissemination of the Ministry of Health regulation, and dissemination programmes have been conducted for managers of reproductive health programmes and provincial hospitals in eight provinces. In 2014, the Government conducted a campaign entitled "Stop Violence Against Women" involving 106 organizations in 511 municipalities and districts and 23 provinces.

Committee's evaluation:

[B1]: The Committee welcomes the revocation of Ministry of Health Regulation No. 1636 of 2010, and the issuance of Ministry of Health Regulation No. 6 of 2014 which prohibits the practice of FGM. Further information is required regarding trainings, educational programmes, and other measures taken to prevent and eradicate harmful traditional practices and develop a common perception on the issue of FGM.

Paragraph 25: Notwithstanding the decision of the Constitutional Court upholding Law No. 1 of 1965 on defamation of religion, the Committee is of the view that the said law is inconsistent with the provisions of the Covenant and that it should be repealed forthwith. The Committee reiterates its position as stated in paragraph 48 of general comment No. 34, that: "Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith." Furthermore, the Committee recommends that the State party provide adequate protection against violence perpetrated against members of religious minorities.

Summary of State party's reply:

The Committee's recommendation to repeal Law No. 1 of 1965 is constrained by the Constitutional Court's decision, which is final and binding. However, in consideration of the Court's recognition that the Law could still benefit from further improvement, the Ministry of Religious Affairs is currently preparing a bill on the protection of religious communities.

Committee's evaluation:

[C1]: The Committee reiterates its recommendation and requests further information on the status and implementation of the bill on the protection of religious communities.

Recommended action:

A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 26 July 2017

109th session (October and November 2013)

Mauritania

Concluding observations:	**CCPR/C/MRT/CO/1**, 30 October 2013
Follow-up paragraphs:	5, 14, 17 and 19
First reply:	Received 24 October 2014
Committee's evaluation:	Additional information required on paragraphs 5**[B2]**, 14**[C1][C2][B2][B1][B2]**, 17**[C1][B1][B1]** and 19**[B2][B2]**
NGO information:	Centre for Civil and Political Rights, and others

Paragraph 5: The State party should systematically publish in the Official Gazette the Acts ratifying the human rights treaties and conventions, as well as the texts of these instruments, including the Covenant. It should also raise the awareness of judges, lawyers and prosecutors of the Covenant, to ensure that its provisions are taken into account by the national courts.

Summary of State party's reply:

Legal international human rights instruments to which Mauritania is a party and a series of official journals will be published and made increasingly available to judges, lawyers and prosecutors.

NGO information (joint submission: Centre for Civil and Political Rights, and others):

Despite the State party's intention to publish human rights treaties and conventions in official journals, to date no publication has been released [C].

NGOs have not been informed about measures taken to raise the awareness of judges, lawyers and prosecutors [C].

Committee's evaluation:

[B2] The Committee requires updated information on:

(a) The publication, in official journals, of the Acts ratifying the human rights treaties and conventions, and of the texts of those instruments;

(b) Measures taken to raise judges', lawyers' and prosecutors' awareness of the Covenant, including any seminars or training sessions carried out;

(c) Cases where provisions of the Covenant have been invoked directly before the courts.

Paragraph 14: The State party should adopt a definition of and clearly criminalize torture in the Criminal Code, in conformity with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the relevant international standards. It should also ensure that any investigation into acts of torture, ill-treatment or excessive use of force attributed to members of the police or security forces should be conducted by an independent authority. The State party should furthermore ensure that members of the law enforcement agencies are trained to prevent torture and ill-treatment, and to investigate such offences, by making sure that the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is included in all training programmes for them. It should also ensure that allegations of torture and ill-treatment are the subject of thorough and impartial investigations, that the alleged perpetrators are brought to justice and, if found guilty, are sentenced to penalties commensurate with the seriousness of their acts, and that the victims receive adequate compensation. The State party should guarantee regular access to all places of deprivation of liberty and, following its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, put in place a national preventive mechanism.

Summary of State party's reply:

In May 2014, a draft law on the prevention of and fight against torture and cruel, inhuman or degrading treatment was submitted for approval, by justice and civil society actors.

Police and military academies and the National Guard have taught humanitarian law since the end of 2013.

The National Human Rights Commission and international and national NGOs conduct regular visits to places of detention, without restrictions.

Some National Guard staff members suffered disciplinary sanctions for committing acts of torture that resulted in the death of a detainee. Disciplinary procedures do not exclude criminal proceedings.

A draft law establishing the National Mechanism for Prevention of Torture has been prepared.

NGO information (joint submission: Centre for Civil and Political Rights, and others):

NGOs have not been informed of any progress on adopting a definition of torture [C].

No independent authority exists to investigate acts of torture, ill-treatment or excessive use of force attributed to members of the police and security forces [C].

The Ministry of Justice provided training sessions to certain police officers on the prohibition and prevention of torture. According to the Ministry of Justice, training sessions on the Istanbul Protocol are limited to the General Staff School (École d'état-major) [C].

NGOs have indicated that the culture of impunity for crimes of torture remains widespread [C].

The National Human Rights Commission, a few NGOs, OHCHR and some diplomats have access to prisons and other places of detention. The creation of the National Mechanism for Prevention of Torture was announced in August 2014; it will be run by the National Human Rights Commission [B2].

Committee's evaluation:

[C1]: On the need to adopt a definition of and to clearly criminalize torture, the Committee notes that the State party did not implement the recommendation. The Committee requires updated information on the adoption of the draft law on the prevention of and fight against torture and whether the draft law is in conformity with article 1 of the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and relevant international standards. The Committee reiterates its recommendation.

[C2]: Concerning investigations into acts of torture, ill-treatment or excessive use of force, and the need to bring alleged perpetrators to justice and to sentence them to penalties commensurate with the seriousness of their acts, the Committee notes that this recommendation has not been implemented. The Committee reiterates its recommendation.

[B2]: With respect to the training of law enforcement personnel, the Committee requires additional information on training sessions carried out, and their frequency.

[B1]: On the need to guarantee regular access to all places of deprivation of liberty, the Committee requires information on the conditions imposed on NGOs willing to conduct visits to places of detention.

[B2]: Concerning the establishment of the National Mechanism for Prevention of Torture, the Committee requires information on the adoption of the draft law and whether it is functioning.

Paragraph 17: The State party should ensure the effective implementation of its legislation criminalizing slavery and guarantee effective remedies for victims of slavery who have lodged complaints. The State party should also conduct investigations, effectively prosecute and sentence those responsible and provide compensation for, and rehabilitate the victims. Finally, the State party should expedite the hearing of pending cases; adopt and implement, as Government policy, the road map developed in collaboration with the Office of the United Nations High Commissioner for Human Rights on the recommendations of the Special Rapporteur on contemporary forms of slavery, including their causes and their consequences; and raise the awareness of all law enforcement officers and the general population, including in rural areas.

Summary of State party's reply:

Twenty-six cases of slavery have been judged by the courts since 2012.

A draft law establishing a special court on slavery was prepared in May 2014.

Public authorities have undertaken several awareness campaigns organized by regional labour inspectorates.

A road map for the eradication of slavery was adopted in March 2014.

NGO information (joint submission: Centre for Civil and Political Rights, and others):

Only one conviction has been delivered since the adoption of Law 2007/048, and the penalties imposed were assessed as insufficient by NGOs. Several cases remain pending [C].

Although a national agency was set up in March 2013 to work against the legacy of slavery, to facilitate integration and to fight against poverty, it does not appear to contribute effectively to investigating and prosecuting those responsible or to securing compensation for and rehabilitation of the victims [C].

It is unclear how the road map will be implemented [B2].

Committee's evaluation:

[C1]: Concerning effective remedies for victims of slavery and investigations and prosecutions of those responsible, the Committee requires information on:

(a) The outcome of the 26 cases relating to slavery judged by courts since 2012;

(b) The number of prosecutions, convictions and sanctions imposed on persons involved

in the crime of slavery in the last three years;

(c) The establishment of the special court on slavery; and

(d) The number of slavery cases pending before the courts, and measures taken to expedite the hearing of pending cases.

[B1]: The Committee welcomes the adoption of a road map for the eradication of slavery and requests information on its implementation.

[B1]: The Committee welcomes the awareness campaigns organized by the regional labour inspectorates but requires additional information on awareness campaigns aimed at the general public, including in rural areas.

Paragraph 19: The State party should implement measures to improve the conditions of detention in its prisons and to reduce prison overcrowding.

Summary of State party's reply

Measures to improve detention conditions have been taken. An interministerial committee has been established to improve the management of prison populations.

Detainees have been transferred and relocated to reduce prison overcrowding.

Efforts to improve cooperation between judges and prosecutors have been introduced to reduce delays in the judicial system.

Prison guards have been trained to manage places of detention in accordance with the minimum rules for the treatment of prisoners.

NGO information (joint submission: Centre for Civil and Political Rights, and others):

Reports continue to document serious problems of malnutrition and lack of care in detention centres. Prison overcrowding is attributed to the high number of inmates held in preventive detention [C].

Committee's evaluation:

[B2]: The Committee requires updated statistics on the number of prison facilities in the State party, their capacity, and the number of inmates held therein.

[B2]: The Committee requires information on the concrete measures taken to improve conditions of detention after the adoption of the Committee's concluding observations in October 2013.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 1 November 2017

Uruguay

Concluding observations:	**CCPR/C/URY/CO/5**, 30 October 2013
Follow-up paragraphs:	7, 8 and 19
First reply:	Received 1 December 2014
Committee's evaluation:	Additional information required on paragraphs 7**[C2]**|**[B2]**|**[A]**, 8**[C1]** and 19**[C2]**
NGO information:	Centre for Civil and Political Rights

Paragraph 7: The State party should ensure that the National Human Rights Institution and Ombudsman's Office has the financial, human and material resources that it needs to do its job effectively on a fully independent basis in accordance with the Paris Principles. The State party should also take the necessary steps to support the work performed by the Institution in fulfilment of its role as the national mechanism for the prevention of torture and to ensure full compliance with the Institution's recommendations. The State party should encourage the Institution to apply to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) for accreditation.

Summary of State party's reply:

Because 2014 is an election year, it is not possible to increase human resources. The National Human Rights Institution and Office of the Ombudsman (INDDHH) may request an increase in its annual budget in 2015 (for 2015–2020).

INDDHH has made substantial progress in implementing the National Preventive Mechanism. The budget approved in October 2013 already provided additional funds for the National Preventive Mechanism and at least two additional positions were created. The NPM's Directive Council decided to focus on juvenile detentions.

INDDHH applied for accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in November 2013; the application will be considered in March 2015.

NGO information (Centre for Civil and Political Rights):

The institutional location of INDDHH within the legislative branch does not make it an autonomous body [B2].

Although INDDHH has begun conducting monitoring visits to places of juvenile detention, it has not been able to perform its functions fully due to a lack of human and financial resources. Resources are currently provided by UNICEF [B2].

Committee's evaluation:

[C2]: The Committee notes the State party's explanation about constraints on increasing the budget in 2014. To ensure that INDDHH is able to perform its functions in accordance with the Paris Principles, the Committee requires information on measures taken in 2015 to increase its financial, human and material resources.

[B2]: The Committee requires information on the human and financial resources allocated by the State party to the National Preventive Mechanism and on measures taken to expand the activities carried out by the Mechanism to conduct regular monitoring visits to all places of detention.

[A]: The Committee requires updated information on the status of accreditation of INDDHH with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

Paragraph 8: The Committee urges the State party to complete the process of amending the Code of Criminal Procedure and, in so doing, to take into account the Committee's preceding concluding observations, in which it called for a review of detention procedures and other restrictions on the liberty of accused persons or defendants in the light of article 9, while also, in particular, bearing in mind the principle of the presumption of innocence.

Summary of State party's reply:

The Chamber of Senators approved the amended Code of Criminal Procedure, which may be adopted by the House of Representatives in December 2014.

NGO information (Centre for Civil and Political Rights):

The draft Penal Code has been heavily criticized because it does not substantially alter already existing criminal policies [C1].

Committee's evaluation:

[C1]: As the recommendation has not yet been implemented, the Committee reiterates its recommendation.

Paragraph 19: The Committee reiterates its earlier recommendation (A/53/40, para. 240) in which it encouraged the State party to find a solution that is in full compliance with its obligations under the Covenant. In this regard, the Committee draws attention to its general comments No. 20 (1992), on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, in which it states that amnesties are in general incompatible with States' obligation to investigate acts of torture (para. 15), and No. 31 (2004), on the nature of the general legal obligation imposed on States parties to the Covenant, in which it states that States parties may not relieve the perpetrators of acts of torture, arbitrary or extrajudicial killings or enforced disappearance of their personal legal responsibility (para. 18). The Committee invites the State party to bring the Bangalore Principles of Judicial Conduct (E/CN.4/2003/65, annex) to the attention of the Justices of the Supreme Court.

Summary of State party's reply:

The State party clarified that the Uruguayan legal system is not based on a system of case precedents; instead, cases are considered on a case-by-case basis by the five members of the Supreme Court.

In February 2012, the Supreme Court of Justice declared articles 2 and 3 of Law No. 18.831 of 27 October 2011 unconstitutional, making the statute of limitations applicable to crimes committed during the period of military dictatorship.

NGO information (Centre for Civil and Political Rights):

The Ministry of Defence refuses to provide information and facilitate access to documents and military premises.

The prevailing view of the Supreme Court is that human rights treaties do not have the same status as the Constitution and rules of lower rank [E].

Committee's evaluation:

[C2]: The Committee notes that no action has been taken to implement the Committee's recommendation. The Committee reiterates its recommendation.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 1 November 2018